

**Denmark-Copenhagen: Supervision of project and documentation**

OJ S 60/2023 24/03/2023

Contract notice

Services

**Legal Basis:**

Directive 2014/24/EU

**Section I: Contracting authority**

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**I.1. Name and addresses**

Official name: Femern A/S

National registration number: 28986564

Postal address: <https://femern.com/>

Town: København V

NUTS code: DK011 Byen København

Postal code: 1601

Country: Denmark

Contact person: Femern - Samina Gul Parvez

E-mail: [sagp@femern.dk](mailto:sagp@femern.dk)

Telephone: +45 33416300

**Internet address(es):**Main address: <https://femern.com/>**I.3. Communication**

The procurement documents are available for unrestricted and full direct access, free of charge, at: [http://eu.eu-supply.com/app/rfq/rwlenrance\\_s.asp?PID=356912&B=KA](http://eu.eu-supply.com/app/rfq/rwlenrance_s.asp?PID=356912&B=KA)

Additional information can be obtained from the abovementioned address

Tenders or requests to participate must be submitted electronically via: [http://eu.eu-supply.com/app/rfq/rwlenrance\\_s.asp?PID=356912&B=KA](http://eu.eu-supply.com/app/rfq/rwlenrance_s.asp?PID=356912&B=KA)

Tenders or requests to participate must be submitted to the abovementioned address

**I.4. Type of the contracting authority**

Body governed by public law

**I.5. Main activity**

Other activity: Femern A/S manages the construction and operation of the future fixed link across Fehmarn Belt.

**Section II: Object**

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**II.1. Scope of the procurement****II.1.1. Title**

Framework Agreement for Consultancy Services Related to Plan Approval, Interface Management and Land Acquisition in Germany

**II.1.2. Main CPV code**

71248000 Supervision of project and documentation

**II.1.3.**

## **Type of contract**

Services

### **II.1.4. Short description**

The Consultant shall assist Femern A/S in relation to the following areas:

- Acquisition of land in Germany as required for the project, including expropriation.
- Potential plan approval or plan amendment procedures including hearing meetings and court cases in Germany.
- Compliance of Contractors' Design documents with German plan approval requirements.
- General environmental matters, including acquisition and management of eco-accounts.
- Negotiation and conclusion of railway crossing agreements, crossing and usage agreements for utilities as well as licensing agreements.

### **II.1.5. Estimated total value**

Value excluding VAT: 1 200 000,00 EUR

### **II.1.6. Information about lots**

This contract is divided into lots: no

## **II.2. Description**

### **II.2.2. Additional CPV code(s)**

71000000 Architectural, construction, engineering and inspection services, 71250000 Architectural, engineering and surveying services, 71353000 Surface surveying services, 71355000 Surveying services, 71541000 Construction project management services, 71700000 Monitoring and control services

### **II.2.3. Place of performance**

NUTS code: DEF08 Ostholstein

Main site or place of performance: Fehmarn

### **II.2.4. Description of the procurement**

The Consultant shall assist Femern A/S in relation to the following areas:

- Acquisition of land in Germany as required for the project, including expropriation.
- Potential plan approval or plan amendment procedures including hearing meetings and court cases in Germany.
- Compliance of Contractors' Design documents with German plan approval requirements.
- General environmental matters, including acquisition and management of eco-accounts.
- Negotiation and conclusion of railway crossing agreements, crossing and usage agreements for utilities as well as licensing agreements.

### **II.2.5. Award criteria**

Price is not the only award criterion and all criteria are stated only in the procurement documents

### **II.2.6. Estimated value**

Value excluding VAT: 1 200 000,00 EUR

### **II.2.7. Duration of the contract, framework agreement or dynamic purchasing system**

Duration in months: 48

This contract is subject to renewal: no

### **II.2.10. Information about variants**

Variants will be accepted: no

### **II.2.11. Information about options**

Options: no

### **II.2.13. Information about European Union funds**

The procurement is related to a project and/or programme financed by European Union funds:  
yes

Identification of the project: The construction of the fixed link across the Fehmarn Belt receives EU funding from the CEF programme under project code 2014-EU-TM-0221-W and 21-EU-TG- Fehmarnbelt Tunnel.

### **II.2.14. Additional information**

The contract is tendered as one single agreement in order to achieve economics of scale, reduced costs for administration of the contract and a better understanding of the scope of services. Dividing the contract into lots is not considered to lead to a higher level of competition.

## **Section III: Legal, economic, financial and technical information**

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### **III.1. Conditions for participation**

#### **III.1.3. Technical and professional ability**

List and brief description of selection criteria:

The tenderer shall complete and submit the ESPD as preliminary documentation for the purpose of assessing whether the below minimum requirements for technical and professional ability are fulfilled. The list of deliveries of services must be inserted under Part IV, C of the ESPD and is the final documentation. No further evidence or documentation regarding technical and professional ability will be requested before Femern A/S awards the Framework Agreement, however Femern A/S reserves the right to contact the customer indicated on each delivery in order to verify the reference.

The ESPD is completed with a list of main deliveries of services carried out within the last 3 years. The overview of each reference should state the amount and time and the public or private recipient, including contact information.

No more than 5 references for deliveries should be listed in the ESPD. If the ESPD contains more than 5 references only the first 5 references will be taken into account. References included in the tenderer's own ESPD will in this respect be considered the first 5 references. Femern A/S will disregard one or more of the 5 first references, if 1 or more of these first 5 references are outdated (older than 3 years). In such case Femern A/S will take the next reference on the list into account.

It should be noted that the 5 first valid references in any case shall together fulfil the minimum requirements set out for the technical and professional ability. Therefore Femern A/S will e.g. exclude a tenderer, if the tenderer has submitted 6 valid references, but only the 6th and last reference fulfils the minimum requirements. The same applies if the tenderers first 5 references fulfils one of the minimum requirements, but not both.

In the event that the tenderer is a group of economic operators or a temporary association (consortia, joint venture or the like) the references from the leading operator will be considered the first 5 references. In the event that this provision do not determine the first 5 references Femern Tender A/S will draw lots to elect the first 5 references (tenderers will not be allowed to supervise the draw).

Minimum level(s) of standards possibly required:

- At least one (1) reference covering services related to German plan approval processes and /or plan amendment processes, performed for a large infrastructure project with a total value

(construction budget and various other expenses, including consultancy services) of at least EUR 100 million excl. VAT.

- At least one (1) reference covering land acquisition services performed in Germany for a large infrastructure project with a total value (construction budget and various other expenses, including consultancy services) of at least EUR 100 million excl. VAT.

It should be noted that one (1) reference can document more than one of the above-

### **III.2. Conditions related to the contract**

#### **III.2.2. Contract performance conditions**

The Service Provider is obliged to deliver the Services on the terms and conditions set out in the Framework Agreement, including Attachment A (CSR clause).

Reference is made to the tender documents.

## **Section IV: Procedure**

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### **IV.1. Description**

#### **IV.1.1. Type of procedure**

Open procedure

#### **IV.1.3. Information about a framework agreement or a dynamic purchasing system**

The procurement involves the establishment of a framework agreement

Framework agreement with a single operator

#### **IV.1.8. Information about the Government Procurement Agreement (GPA)**

The procurement is covered by the Government Procurement Agreement: yes

### **IV.2. Administrative information**

#### **IV.2.2. Time limit for receipt of tenders or requests to participate**

Date: 24/04/2023 Local time: 12:00

#### **IV.2.3. Estimated date of dispatch of invitations to tender or to participate to selected candidates**

#### **IV.2.4. Languages in which tenders or requests to participate may be submitted**

English

#### **IV.2.6. Minimum time frame during which the tenderer must maintain the tender**

Duration in months: 6 (from the date stated for receipt of tender)

#### **IV.2.7. Conditions for opening of tenders**

Date: 24/04/2023 Local time: 12:00

## **Section VI: Complementary information**

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### **VI.1. Information about recurrence**

This is a recurrent procurement: no

### **VI.3. Additional information**

- 1) It should be noted that the estimated value in this contract notice is based on Femern A/S' estimate on a complex project. Thus, the actual use of the framework agreement may differ considerably, and Femern A/S does not undertake to buy a specific quantity of service or to make purchases in a particular amount under the framework agreement
- 2) The total maximum value of the framework agreement is estimated to 1,8 EUR, based on the fact that it is a complex project, and the actual quantity purchased under the framework agreement depends on the development of the project.
- 3) Regarding the ESPD: the tenderer must complete and submit the electronic ESPD which serves as preliminary evidence of fulfilment of the conditions for participation in the tender procedure, including that the tenderer is not subject to the grounds for exclusion. Femern A/S reserves the right, at any time during the tendering procedure, to request the tenderer to provide documentary proof, cf. section 151 of the Danish Procurement Act, if required to ensure the proper execution of the procedure. In this situation, Femern A/S will set an appropriate deadline for the submission of documentation. Femern A/S will exclude a tenderer from participation in a procurement procedure, if the tenderer is covered by sections 134(a), 135 and 136 of the Danish Procurement Act (mandatory exclusion grounds). Please note that some of the voluntary exclusion grounds in the Public Procurement Directive has been made mandatory in section 136 of the Danish Procurement Act. Furthermore, Femern A/S will exclude a tenderer if the tenderer is covered by an exclusion ground covered by section 137(1) (2) of the Danish Procurement Act (i.e. if the tenderer has been declared bankrupt or is undergoing insolvency or winding-up proceedings etc.). Before awarding the framework agreement, the tenderer to whom Femern A/S intends to award the agreement must provide documentation concerning the information in the ESPD, cf. Section 153 of the Danish Public Procurement Act. Femern A/S has prepared the electronic ESPD for the economic operator to fill out. The electronic ESPD is available at the link set out in Section I.3. For further information on the requirements to the tender and the tender procedure please refer to the Tender Specifications available at the link set out in Section I.3).
- 4) Please note that Femern A/S cannot award the framework agreement to a tenderer if it will conflict with the prohibition stated in Article 5k, in Regulation (EU) no 833/2014 concerning restrictive measures in view of Russia's actions Femern A/S cannot award the framework agreement to destabilising the situation in Ukraine as amended by Regulation (EU) 576/2022.

#### **VI.4. Procedures for review**

##### **VI.4.1. Review body**

Official name: Klagenævnet for Udbud  
Postal address: Nævnenes Hus, Toldboden 2  
Town: Viborg  
Postal code: 8800  
Country: Denmark  
E-mail: [klfu@naevneneshus.dk](mailto:klfu@naevneneshus.dk)  
Telephone: +45 72405600  
Internet address: <https://klfu.naevneneshus.dk/>

##### **VI.4.3. Review procedure**

Precise information on deadline(s) for review procedures:  
Pursuant to Danish Act on The Complaints Board for Public Procurement (Act No 492 of 12.5.2010 with subsequent amendments — available at [www.retsinformation.dk](http://www.retsinformation.dk)) § 7, the following time limits for filing a complaint apply:

1) 45 calendar days after the Contracting Authority has published a Contract Award Notice in the Official Journal of the European Union (with effect from the day following the publication date);

2) 6 months after the contracting authority has sent notification to the tenderers involved that the contracting authority has entered into the framework agreement if the notification included a short account of the relevant reasons for the decision.

The complainant must inform the Contracting Authority of the complaint in writing at the latest simultaneously with the lodge of the complaint to The Complaints Board for Public Procurement. The complainant shall state whether the complaint has been lodged in the standstill period. If the complaint has not been lodged in the standstill period, the complainant must also state whether the complainant has requested that the complaint be granted suspensive effect.

The Complaints Board for Public Procurement's own guidance note concerning complaints is available at the following internet address: <https://naevneneshus.dk/start-din-klage/klagenaevnet-for-udbud/vejledning/>

#### **VI.4.4. Service from which information about the review procedure may be obtained**

Official name: Konkurrence- og Forbrugerstyrelsen

Postal address: Carl Jacobsens Vej 35

Town: Valby

Postal code: 2500

Country: Denmark

E-mail: [kfst@kfst.dk](mailto:kfst@kfst.dk)

Telephone: +45 41715000

Internet address: <http://www.kfst.dk>

#### **VI.5. Date of dispatch of this notice**

21/03/2023